IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JERRY M. FOCKEN and MARGARET A. FOCKEN, Guardians and Conservators of)
Corey D. Focken,)
)
Plaintiffs,)
) 8:07CV280
VS.)
) ORDER
FORTIS INSURANCE COMPANY, now)
known as TIME INSURANCE COMPANY,)
)
Defendant.)

Upon review of the record,

IT IS ORDERED that the parties' Stipulation for Extension of Progression Deadlines to Permit Mediation [46] is granted, as follows:

1. The current progression order deadlines are extended as requested to permit the parties to utilize the mediation services of:

Michael G. Mullin KUTAK, ROCK LAW FIRM 1650 Farnam Street Omaha, NE 68102-2186 (402) 346-6000 (402) 346-1148 (fax) michael.mullin@kutakrock.com

The parties shall cooperate fully with the requirements and settlement efforts of their chosen mediator. The court understands that the mediation session will occur on or after September 25, 2008.

- 2. Within **five business days** following the completion of the parties' settlement meeting, plaintiff's counsel shall advise the Clerk of the Court, by letter, whether the case has been settled. Failure to so notify the court of the completion of the settlement meeting, with or without settlement, may result in the dismissal of this case without further notice pursuant to Fed. R. Civ. P. 41(b). Information about the substance of the parties' settlement agreement, if any, shall not be provided without their consent.
- 3. The Clerk of the Court is directed to set a case management deadline in this case with the following text: "October 15, 2008: Check status of mediation/settlement."

4. The trial now set for December 2, 2008 and the final pretrial conference now set for November 10, 2008 are cancelled. If a settlement is not reached in mediation, the following deadlines will apply, in accordance with the parties' stipulated schedule,

Motions for summary judgment: December 16, 2008
Deposition deadline: November 25, 2008
Trial exhibits: February 2, 2009
Motions in limine: February 9, 2009

Final pretrial conference: February 19, 2009 at 10:00 a.m.

Jury Trial: March 17, 2009

- 5. Pursuant to General Order No. <u>2005-21</u>, all pending dispositive and nondispositive motions are denied, without prejudice to refiling in the event settlement is not reached.
- 6. The Clerk shall mail a copy of this order to all counsel of record and to Mr. Mullin, enclosing with the latter a copy of the pleadings and docket sheet for this case and other appropriate documents related to the operation of the court's <u>Mediation Plan</u>.

DATED July 16, 2008.

BY THE COURT:

s/ F.A. Gossett United States Magistrate Judge